

SENATE BILL 398

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 30 and Title 49, Chapter 6, Part 34, relative to the suspension and readmission of students for certain reasons.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-3401, is amended by adding the following as a new subsection:

(j)

(1) In addition to the reasons a student may be suspended set out in subsection (a), a student shall be immediately suspended upon being found delinquent for conduct or an act that would constitute a felony if committed by an adult. The student shall have ten (10) days from the date of suspension to request a hearing pursuant to subdivision (c)(4). The sole issue at the hearing shall be whether, considering the totality of circumstances, the student's offense merits readmission. At the conclusion of the hearing, the disciplinary authority shall make a recommendation to the director of schools and the principal with regard to whether the student should be readmitted to school.

(2) No student suspended under this subsection (j) shall be readmitted to the school from which the student was suspended unless the principal of the school of suspension and the director of schools agree within thirty (30) days from the date of the suspension that readmission would not threaten the safety of other students and faculty, would not adversely affect the learning environment of other students, and would be in the best interests of the suspended student.

(3) If the principal or director of schools does not believe that readmission of the suspended student meets the criteria set out in subdivision (j)(2), the student shall be expelled from that school for one (1) year, and the provisions of this section concerning expelled students shall apply to that student.

(4) If the principal and director of schools both agree that readmission of the suspended student meets the criteria set out in subdivision (j)(2), the provisions of this section concerning the readmittance of expelled or suspended students shall apply.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it, and shall apply to school year 2015 - 2016 and school years thereafter.